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October 18, 2005

REMARKS/ARGUMENTS

The Examiner maintains the rejection of all claims under 35 U.S.C. §103 as being unpatentable over U.S. Patent 6,708,031 to Purnadi in view of U.S. Patent 6,456,839 to Chow. This rejection is respectfully traversed.

Purnadi describes a new session or handoff procedure where the mobile terminal may visit another network other than its home network. Purnadi wants subscribers to be able to roam between cellular networks and preferably access the same services available in the home network when they are visiting other networks. Purnadi fails to disclose any teaching that a network is shared between different owners.

The Examiner apparently equates a mobile "visiting" a network other than its "home" network with a shared network. But the two are not the same. Nor would a person of ordinary skill in cellular communications confuse the two very different concepts.

A visited network is visited from the mobile's perspective. A mobile has a home network to which it subscribes. In Purnadi, that home network is owned by a single operator. When the mobile roams into another service area outside the service area of its home network, the mobile may obtain service as a roaming mobile from a visiting network assuming the mobile's subscription permits the mobile to be serviced in that visiting network. Purnadi and Chow both describe visited networks in the context of roaming and handover.

The independent claims specifically recite "determining which one of the owners of a shared radio network that a visiting MT (Mobile Terminal), which MT is not subscribed to any of the owners of said shared radio network, is going to be connected to." Thus, the claims recite two distinct features: (1) a "visiting mobile terminal" and (2) that the mobile is visiting a shared network owned by multiple network operators. Neither reference teaches this latter feature (2).

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The Examiner never acknowledges this distinction between a visited network and a shared network. The text relied on by the Examiner in Purnadi as allegedly teaching the shared network feature instead relates to *a visited network owned by a single network operator*. To highlight this difference, consider the example of a shared 3G network in the instant specification. 3G radio networks are quite expensive. One way to decrease the costs is for two or more 3G operators to jointly establish a shared 3G radio network. Nothing in Purnadi discloses or suggests that the UTRAN 103 is shared by two or more network operators. If the Examiner maintains this rejection, Applicants request that the Examiner identify where Purnadi discloses a single network owned and shared by two or more operators.

In addition to this significant difference between Purnadi and the claims, the Examiner also admits that Purnadi does not disclose "determining which one of said owners said visiting MT is going to be connected based on the derived information," and relies on the Chow patent. Chow discloses the method for billing a neighborhood cordless service. A local cordless service provides a mobile wireless subscriber loop to allow a subscriber to disconnect their wired telephone service provided by their incumbent local exchange carrier. The local cordless service network defines a plurality of neighborhood zones, including a home neighborhood zone and a visiting neighborhood zone from the perspective of the individual subscriber. Chow wants to permit the mobile subscriber, when roaming from one zone to another zone, to continue the call interrupted without paying air time charges. The same is true as the user moves into a cellular environment while participating in an active call.

The Examiner refers to column 16, lines 44 through column 17, line 6 of Chow, which simply describes a registration of a mobile station in a visiting network zone. Like Purnadi, Chow fails to disclose that the visited network referred to by the Examiner is shared by different

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owners. In the independent claims, it is not simply a matter of determining whether a mobile terminal is permitted to roam to a particular visiting network. Rather, the independent claims acknowledge that an additional decision making process is needed when a network is shared by two or more owners. Namely, it must be determined which one of the owners of the shared network that a visiting mobile terminal, which is not a subscriber with any of the owners of the shared radio network, is going to be connected to.

Thus, even if the combination of Purnadi and Chow could be made for purposes of argument only, that combination fails to disclose the features related to shared network owners.

The combination of Purnadi and Chow is also improperly based on hindsight. To prevent the use of hindsight, the Federal Circuit requires the Examiner to show a motivation to combine the references. Specifically, the Federal Circuit has stated:

the Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.

In re Rouffet, 149 F.3d 1350, 1357 (Fed. Cir. 1998). As is readily apparent, neither Purnadi nor Chow acknowledge that shared networks even exist, let alone the problems that confront the owners of such shared networks when a visiting mobile terminal, which is not a subscriber with any of the owners of the shared network, requires service from the shared network. The Examiner never addresses this deficiency notwithstanding the Federal Circuit's mandate above. Unlike Purnadi or Chow, the claimed invention solves these problems by deriving information from the visiting mobile terminal and using this information for determining which one of the owners of the shared network that the visiting mobile terminal is going to be connected to.

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Lacking the combination of features recited in the independent claim and a proper motivation to combine the references, Applicants respectfully submit that the application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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